

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON,
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE CERTIFICATE
HOLDERS CWALT, INC., ALTERNATIVE
LOAN TRUST 2006-19CB, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES
2006-19CB,

Plaintiff,

vs.

COMMONWEALTH LAND TITLE
INSURANCE COMPANY,

Defendants.

Case No.: 2:19-cv-01601-ART-DJA

ORDER APPROVING

**STIPULATION TO
CONTINUE STAY OF CASE**

Plaintiff, The Bank of New York Mellon, fka The Bank of New York, as Trustee for the Certificate Holders CWALT, Inc., Alternative Loan Trust 2006-19CB, Mortgage Pass-Through Certificates, Series 2006-19CB (“BONY”) and Defendant Commonwealth Land Title Insurance Company (“Commonwealth”, and with BONY, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein BONY contends, and Commonwealth disputes, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently

1 pending in the United States District Court for the District of Nevada and Nevada state courts
 2 more than one-hundred actions between national banks, on the one hand, and title insurers, on the
 3 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA
 4 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
 5 and/or CLTA 115.2/ALTA 5 Endorsements.

6 The Parties stipulated to a limited six-month stay of the case, which was granted on July
 7 19, 2022 [ECF No. 27]. The limited stay expired on January 19, 2023 [ECF No. 27]. The Parties
 8 have conferred and believe another limited six-month stay is warranted. The *PennyMac Corp. v.*
 9 *Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) appeal
 10 remains pending. Additionally, there is another fully briefed appeal to the Nevada Supreme Court
 11 involving a similar coverage dispute in *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins.*
 12 *Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both *PennyMac* and *Deutsche*
 13 *Bank* are fully briefed, but oral argument has not been set. The Parties anticipate that the Nevada
 14 Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the
 15 interpretation of policy and claims handling, that could potentially affect the disposition of the
 16 instant action.

17 Accordingly, the Parties believe an additional stay of six months in the instant action will
 18 best serve the interests of judicial economy. The Parties request that the action be stayed for an
 19 additional six months, through and including, July 19, 2023. The Parties are to submit a Joint
 20 Status Report on or before July 19, 2023. The Parties further agree that this stipulation and stay
 21 of this case is entered based on the specific circumstances surrounding this particular case, and
 22 that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

23 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 24 stipulate and agree as follows:

- 25 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 26 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6)**
 27 **MONTHS**, through and including, July 19, 2023.
- 28 2. All deadlines currently set in this case shall remain **VACATED**.

1 3. The Parties are to submit a Joint Status Report on or before July 19, 2023.

2 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third
3 parties, and the Parties may enforce subpoenas that the Parties propounded to third
4 parties during the stay.

5 5. By entering into this Stipulation, none of the Parties is waiving its right to
6 subsequently move the Court for an order lifting the stay in this action.

7 **IT IS SO STIPULATED.**

8 DATED this 25th day of January, 2023.

DATED this 25th day of January, 2023.

9 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

10 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

11 Lindsay D. Dragon, Esq.

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16 *Mellon, fka The Bank of New York, as*

Title Insurance Company

17 *Trustee for the Certificate Holders CWALT,*

18 *Inc., Alternative Loan Trust 2006-19CB,*

19 *Mortgage Pass-Through Certificates, Series*

20 *2006-19CB*

21 **IT IS SO ORDERED.**

22 Dated this 25th day of January, 2023.

23 

24 Anne R. Traum

25 United States District Court Judge